

REMARKS

In the Office Action,¹ the Examiner:

rejected claims 1-42 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,463,421 to Junger (“Junger”); and

rejected claim 43 under 35 U.S.C. § 103(a) as unpatentable over Junger in view of U.S. Publication No. 2001/0032143 to Haseltine (“Haseltine”).

Claims 1-43 remain pending.

Applicant respectfully traverses the rejection of claims 1-42 under 35 U.S.C. §102(b) as anticipated by Junger.

In order to properly establish that Junger anticipates Applicant’s claimed invention under 35 U.S.C. § 102(b), each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in a single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Independent claim 1 recites, among other things, “triggering, in response to the captured disposition decision, at least one process in the second management system” (emphasis added). Junger does not teach, or even suggest, at least these features.

The Examiner asserts “[t]he manufacturer computer system discussed in the abstract is construed as the first management system and the regional product return center, also discussed in the abstract is construed as the second management system.”

Final Office Action of page 16. Even under the broadest reasonable interpretation, a “center” cannot constitute a “system.” Likewise, a “regional product return center” cannot constitute a “second management system.” There is no disclosure in Junger that teaches or suggests that the “regional product return center,” could perform any management function much less act as a “management system.” For at least this reason, Junger does not anticipate claim 1 and the rejection should be withdrawn.

Moreover, even if the “manufacturer computer system” of Junger could constitute the claimed “first management system” as the Final Office Action suggests, Junger still does not explicitly or inherently disclose each and every element of claim 1.

The Final Office Action seems to allege that Junger “discusses issuing a credit or replacement” which the Final Office action seems to suggest discloses the claimed “triggering, in response to the captured disposition decision, at least one process in the second management system.” Final Office Action at page 3. This allegation, however, is not correct.

Junger states “[a]fter the returned products arrive at the regional warehouse 1, they are sorted by manufacturer and/or product, and are shipped from the regional warehouse 1 to the manufacturer warehouse 5 for credit or replacement” (emphasis added). Junger col. 3, line 66 -col. 4, line 5. Such a disclosure, however, does not constitute a disclosure, or even a suggestion, of “triggering. . . a process in a second management system,” as recited in claim 1.

¹ The Office Action contains a number of statement reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement of characterization in the Office Action.

Junger, in the Abstract, for example, discloses the “manufacturer computer system” is located at the “manufacturer warehouse.” Thus, even if the “manufacturer computer system” could constitute the claimed “first management system,” as the Final Office Action suggests, Junger still fails to disclose “triggering. . . .a process in a second management system” because Junger discloses that it is the “manufacturer warehouse” where “credit or replacement” is issued. Thus, even assuming that issuing credit or replacement in Junger could constitute the claimed “process,” which Applicant does not concede, the process is triggered in the “manufacturer computer system,” which the Final Office Action suggests is the claimed “first management system.” This disclosure directly contradicts claim 1 which recites “triggering. . . .a process in a second management system.” Because Junger does not expressly or inherently disclose each and every element of claim 1, the rejection of claim 1 is improper and should be withdrawn.

For at least the above reasons, independent claim 1 is not anticipated by Junger. Claims 2-7 are allowable for at least the reason that they depend from allowable claim 1. Independent claims 8, 12, 18, 25, 29, and 34, although of a different scope, include recitations similar to those discussed above in relation to independent claim 1 and are not anticipated by Junger for reasons at least similar to those discussed with respect to claim 1. Claims 9-11, 13-17, 19-24, 26-28, 30-33, and 35-43 are allowable for at least the reason that they depend from one of allowable claims 8, 12, 18, 25, 29, and 34 respectively. Therefore, the Examiner should withdraw the rejection of claims 1-42 under 35 U.S.C. § 102(b).

Claim 43 depends from allowable claim 34 and therefore incorporates every element of claim 34. Since claim 34 is allowable, claim 43 is allowable for at least the same reasons as claim 34 inasmuch as Haseltine does not remedy the above discussed deficiencies of independent claim 34. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 43, and the rejection under 35 U.S.C. § 103(a) must be withdrawn.

CONCLUSION

Applicant respectfully requests that the Examiner consider this response under 37 C.F.R. § 1.116, showing the pending claims in condition for allowance.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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